

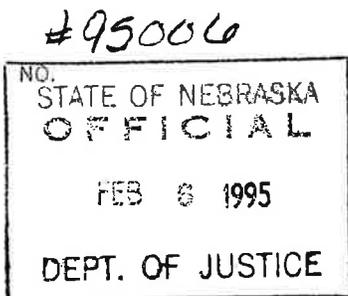


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DATE: February 2, 1995

SUBJECT: Per Diem Payments for Public Hearings and Administrative Hearings

REQUESTED BY: Marilyn Hasselbalch, Director  
 Nebraska Real Estate Appraiser Board

WRITTEN BY: Don Stenberg, Attorney General  
 Lynn A. Melson, Assistant Attorney General

You have requested our opinion concerning Neb. Rev. Stat. § 76-2222(4) (Cum. Supp. 1994) which provides that each member of the Real Estate Appraiser Board "shall receive a per diem of one hundred dollars per day or substantial part of a day for each scheduled meeting of the board. . . ." First, you inquire whether a public or administrative hearing is considered a "scheduled meeting" for which each board member would receive the per diem payment. Second, you ask whether each board member would receive one hundred dollars for each day of a scheduled meeting or hearing which must be continued into a second or third day.

"In the absence of anything indicating to the contrary, statutory language is to be given its plain and ordinary meaning." *State v. Stein*, 241 Neb. 225, 228, 486 N.W.2d 921, 923 (1992). Neb. Rev. Stat. § 76-2222(4) provides for compensation for each scheduled meeting of the board and it does not limit the compensation to a particular type of meeting. The only qualification is that it be a meeting "of the board." This would seem to apply to those occasions at which a quorum is present and at which the members are able to take formal action on behalf of the entire board. It is our opinion that holding a public hearing or administrative hearing at which a quorum of the board members is

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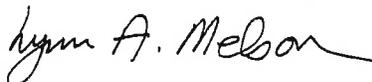
Marilyn Hasselbalch  
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present is a performance of official duties entitling each member present to the statutory per diem payment.

With regard to your second question, § 76-2222(4) specifically provides that each member will be compensated in the amount of one hundred dollars per day or substantial part of a day. We think it is clear that, if a hearing or other meeting lasts more than one day, each board member present would be entitled to receive one hundred dollars for each day or substantial part of a day spent at that hearing or meeting.

Sincerely,

DON STENBERG  
Attorney General



Lynn A. Melson  
Assistant Attorney General

Approved By:

  
\_\_\_\_\_  
Attorney General